

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALBA RODRIGUEZ,

Plaintiff,

No. 20-12552

v.

Honorable Nancy G. Edmunds

LIFE INSURANCE COMPANY  
OF NORTH AMERICA,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION TO CONSOLIDATE CASES [11]**

This is the second ERISA case Plaintiff has filed against Defendant in this Court. In the first case, which was handled by the Honorable Nancy G. Edmunds, the Court entered a partial judgment in favor of Plaintiff and remanded the matter for an administrative determination of Plaintiff's eligibility for benefits during a certain time period. (See Case No. 15-12768 ("the earlier case"), ECF Nos. 31, 32.) In this case, which was originally assigned to the Honorable Robert H. Cleland, Plaintiff seeks a determination as to her entitlement of benefits, interest, and attorney's fees following the judgment in the earlier case and the remand. (ECF No. 1.) Because this case is a companion case to the earlier case, it was reassigned from Judge Cleland to Judge Edmunds under Eastern District of Michigan Local Rule 83.11. (ECF No. 3.)

The matter is now before the Court on Plaintiff's motion to consolidate the two cases under Federal Rule of Civil Procedure 42(a). (ECF No. 11.) Unlike Local Rule 83.11(b)(7)(B), which provides for the reassignment of companion cases "even though

one of them has been terminated,” however, Rule 42(a) only applies to cases “before the court.” Here, the earlier case is no longer pending and has been closed since January 12, 2018. A closed case cannot be consolidated with an open case under Rule 42(a). See *Northington v. Abdellatif*, No. 16-cv-12931, 2020 U.S. Dist. LEXIS 62416, at \*8 (E.D. Mich. Apr. 9, 2020). Further, consolidation is not necessary to provide Plaintiff the relief she seeks in this case. Accordingly, Plaintiff’s motion to consolidate is DENIED.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: January 28, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 28, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager